## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RAMON SANCHEZ,	)
Plaintiff,	Civil Action No. 20-1005
v. SUPERINTENDENT ROBERT GILMORE, et al.,	) District Judge W. Scott Hardy ) Magistrate Judge Maureen P. Kelly )
Defendants	

## **MEMORANDUM ORDER**

This matter comes before the Court after *pro se* Plaintiff Ramon Sanchez declined to file objections to the Report and Recommendation ("R&R") (Docket No. 56) entered by Magistrate Judge Maureen P. Kelly on December 1, 2020. The R&R recommends that Plaintiff's motion entitled "Order to Show Cause for a[] Preliminary Injunction & a Temporary Restraining Order" ("Motion") (Docket No. 9), filed in this matter on August 20, 2020, be denied. (<u>Id.</u> at 5). Service of the R&R was made on Plaintiff by mail, and he was informed that any objections to same were due by December 18, 2020. Thereafter, Plaintiff did not file any objections to the R&R, but he did request from the Court, via "Notice to Court" (Docket No. 57) dated December 14, 2020, an extension of time in which to file an Amended Complaint in this matter. On December 28, 2020, Judge Kelly granted Plaintiff's request, ordering that he may file his Amended Complaint by January 15, 2021. (Docket No. 58).

The Federal Rules of Civil Procedure provide that a party may file specific written objections to the proposed findings and recommendations of a magistrate judge, and a district judge must conduct a *de novo* review of any part of the R&R that has been properly objected to. Fed. R. Civ. P. 72(b)(2), (3); 28 U.S.C. § 636(b)(1). Here, however, because Plaintiff did not file

any objections to the R&R—which explicitly stated that failure to file timely objections "will waive the right to appeal"—we review the magistrate judge's decision for plain error. (Docket No. 56 at 5). See Brightwell v. Lehman, 637 F.3d 187, 193 (3d Cir. 2011) (citing Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007)); see also Fed. R. Civ. P. 72(b), Advisory Committee Notes, 1983 Addition ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." (citing Campbell v. U.S. District Ct., 501 F.2d 196, 206 (9<sup>th</sup> Cir. 1974), cert. denied, 419 U.S. 879 (1974))).

In this case, upon careful review of the R&R and the entire record, including Plaintiff's Motion, Defendants' responses in opposition thereto and Plaintiff's reply, the Court, finding no plain error on the face of the record, will accept Judge Kelly's recommendation. As such, the Court will adopt the R&R as the Opinion of the Court, and will deny Plaintiff's Motion seeking injunctive relief.

Accordingly, in view of the foregoing, the Court enters the following Order:

AND NOW, this 13th day of January, 2021,

IT IS HEREBY ORDERED that the R&R (Docket No. 56) is ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's Motion seeking a preliminary injunction and a temporary restraining order (Docket No. 9) is DENIED for the reasons set forth in the R&R.

/s/ W. Scott Hardy
W. Scott Hardy
United States District Judge

cc/ecf: All counsel of record

Ramon Sanchez (via U.S. Mail) FH-7056 SCI Fayette 48 Overlook Drive LaBelle, PA 15450